

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 442 - HB 632

March 2, 2015

SUMMARY OF BILL: Defines “aggrieved person” for purposes of searching a person’s cellular telephone for evidence. Provides that only an aggrieved person can object to the admission of evidence of cellular telephone data or evidence derived therefrom.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Public Chapter 785 of 2014 enacted Tenn. Code Ann. § 40-6-110 which provides that no cellular telephone can be searched by a law enforcement officer without a valid warrant unless the officer had informed consent or exigent circumstances existed. This statute largely codified the United States Supreme Court’s decision in *Riley v. California*, 134 S. Ct. 2473 (2014).
- The bill adds a definition to the statute for an “aggrieved person”—a person who has a reasonable expectation of privacy in the cellular telephone being searched. The bill adds a provision to the statute that only permits an aggrieved person to object to the admission of evidence derived from the cellular telephone or of cellular telephone data.
- The Administrative Office of the Courts, the District Attorneys General Conference, and the District Public Defenders Conference confirm that the bill will not significantly impact their caseloads.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink, reading "Jeffrey L. Spalding".

Jeffrey L. Spalding, Executive Director

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